

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

2:16CR00046
UNITED STATES OF AMERICA

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
DEC - 6 2016	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

v.

RYAN BUNDY

NOTICE OF INTERFERENCE BY U.S. MARSHALS AND THE CORRECTIONS
CORPORATION OF AMERICA

(DECLARATION BY ROGER I. ROOTS, ESQ.)

Please take notice that the prison where Defendant Ryan Bundy is held is denying visits to Ryan Bundy by attorneys, paralegals and legal researchers.

I, Roger I. Roots, of 113 Lake Drive East, Livingston, Montana 406-224-3105, do swear, under oath and subject to the penalties of perjury, that the following facts are true and within my personal knowledge:

Ryan Bundy is pro se, representing himself. He relies on the assistance of various legal researchers, attorneys and private investigators, including myself. I was previously able to meet Mr. Bundy at the Pahrump prison, and to discuss and go over legal research, documents and memoranda for his defense.

I am a licensed attorney (in Rhode Island and various federal circuits, including the 9th Circuit) and have helped Mr. Bundy with researching and

preparing various things for his defense over the past year. During Mr. Bundy's recent trial in the U.S. District of Oregon I functioned as a paralegal for his defense, and was present at his defense table throughout the trial. I helped identify and coordinate Bundy defense witnesses, conducted research on various constitutional questions and coordinated with other attorneys in the case.

Yesterday, on Monday, December 5, 2017, I attempted to visit Ryan Bundy at the Nevada Southern Detention Center, 2190 East Mesquite Avenue, Pahrump, NV 89060 to help Ryan Bundy prepare for his defense. I was carrying various defense documents for Mr. Bundy, including legal research memoranda and documents urgently requiring his signature for filing in this and other courts.

I was informed by staff at the Nevada Southern Detention Center that the facility had adopted a new "policy" under orders of the U.S. Marshals (and perhaps even a federal judge). The new "policy" was that only attorneys "of record" could visit inmates. (The staff indicated that the new "policy" means that only attorneys "of record" in a single case—2:16CR00046 in the U.S.D.Nev.—may visit inmates). This of course violates numerous federal court decisions as well as the 5th amendment due process clause, the sixth amendment right to assistance of counsel and the eighth amendment.

I was first turned away at 10:00 a.m. I nonetheless stayed in the town of Pahrump for several hours as I attempted to communicate with the U.S. Marshals and with Ryan Bundy's standby counsel, Angela Dows.


I made an additional attempt at 2:00 p.m. to visit Ryan Bundy with the same papers. I was again turned away. I asked whether I could have a mere visit with glass separation, or even a mere opportunity to pass papers in an envelope to Mr. Bundy so that Mr. Bundy could review and sign some of the most urgent documents. Again the staff at the facility cited orders from U.S. Marshals and turned me away.

After my second attempted visit, I received a phone call from U.S. Marshal Steven (or Stephen) Carpenter (returning my voice message from earlier in the day). Mr. Carpenter admitted he had imposed the "policy" on the prison. When I asked for the authority for such an edict, Mr. Carpenter abruptly hung up.

A few minutes later, Mr. Carpenter called again. He cited as his authority a contract between "the facility" and the U.S. Marshal Service which (he said) allowed inmates to visit only those attorneys who are "of record."


Of course, no contract can immunize a prison facility from the requirements of the 5th, 6th and 8th amendments.

This concludes this declaration.


Signed /s/ Roger I. Roots, esq. Dated December 6, 2016.

CERTIFICATE OF SERVICE

I, Roger Roots, esq., certify that this document will be printed and filed in the above captioned case. As all filings in the case are distributed through the CM/ECF electronic filing system, this will trigger notification and service to all parties of record in this case.


By /s/ Roger Roots Dated /s/ 12/6/2016